

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	
	§	CASE NO. 20-41227
ROYAL TRANSPORT EXPRESS, LLC,	§	
	§	
Debtor.	§	CHAPTER 11
	§	

**MOTION FOR APPROVAL OF AGREED STIPULATION BETWEEN
THE DEBTOR AND CITY OF WYLIE PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 4001(D)**

14-DAY NEGATIVE NOTICE – LBR 4001(a)

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Motion unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading **WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE** shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The City of Wylie, creditor and party-in-interest, comes before the Court seeking approval of the Agreed Stipulation between the Debtor and the City of Wylie pursuant to Federal Rule of Bankruptcy Procedure 4001(d). In support thereof, the City of Wylie respectfully represents as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. Sections 157(b)(2)(G). Venue is proper in this Court pursuant to 28 U.S.C. Section 1409.

2. On May 26, 2020, the Debtor filed a voluntary petition for relief pursuant to chapter 11 of title 11 of the United States Code.

3. The City of Wylie timely filed a proof of claim for unpaid ad valorem business personal property taxes for tax years 2019 and 2020 assessed against the Debtor's property located in its jurisdiction. The City of Wylie's pre-petition claim amounts to \$6,268.37 in the aggregate.¹ The City of Wylie asserts that it holds unavoidable, perfected, first priority liens against the Debtor's business personal property now owned and hereafter acquired. The Debtor's business personal property includes, but is not limited to, all of the Debtor's furniture, fixtures, machinery, equipment, inventory, and other tangible business personal property pursuant to sections 32.01 and 32.05 of the Texas Tax Code and 11 U.S.C. Section 362(b)(18).

4. The Debtor and the City of Wylie have entered into a stipulation in order to provide the city with relief from the automatic stay commensurate with the relief that has been granted to or will be granted to any other secured creditor who holds a lien against or security interest in collateral to which the City of Wylie's liens attach, so that it may protect its liens. A true and correct copy of the stipulation is attached hereto as Exhibit "A."

5. The stipulation provides that in the event the automatic stay and other stays, restraints or injunctions existing by operation of law or otherwise restricting repossession or foreclosure have been removed or are removed as to any secured creditor with a lien against or

¹ The amount of ad valorem property taxes owed for tax year 2020 is an estimated amount, which is calculated using the base amount of ad valorem property taxes owed for tax year 2019. The actual amount owed for tax year 2020 will be determined in October 2020 pursuant to Texas law.

security interest in collateral to which the City of Wylie's liens attach, the city shall receive the same relief.

WHEREFORE, PREMISES CONSIDERED, the City of Wylie requests that the Court grant the motion and grant it such other and further relief to which it may be justly entitled.

Dated: July 16, 2020.

Respectfully submitted,

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ATTORNEYS FOR CITY OF WYLIE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via electronic mail through the Court's electronic case filing system or U.S. Mail, First Class, Postage Pre-Paid on the 16th day of July 2020 upon Royal Transport Express, LLC, 429 Royal Oak, Murphy, TX 75094; via email upon Eric Liepins, email: eric@ealpc.com; Marcus Salitore, email: marc.f.salitore@usdoj.com; Ammar Ddabhoy, email: adadabhoy@wongfleming.com; Aaron B. Gottlieb, email: agottlieb@mcglinchey.com; Timothy W. O'Neal, email: Timothy.W.O'Neal@usdoj.gov; Linda Reece, email: lreece@pbfc.com; Michael Ridulfo, email: mridulfo@krcl.com; Joshua P. Searcy, email: Josh@searcyfirm.com; Chad Timmons, email: ctimmons@abernathy-law.com; Stephen G. Wilcox, email: kraudry@wilcoxllaw.com and upon the attached service list.

/s/ Laurie A. Spindler
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